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10/648,777	08/25/2003	Timi Soinio	944-1.109	4030

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EXAMINER

CHAU, DUNG K

ART UNIT	PAPER NUMBER
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2169

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/648,777

Applicant(s)

SOINIO, TIMI

Examiner

Dung K. Chau

Art Unit

2169

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to applicant's communication filed September 11, 2006 in response to PTO Office Action mailed July 24, 2006. The Applicant's remarks and amendments to the claims and/or the specification were considered with the results that follow.
2. In response to the last Office Action, claims 1-6 and 8-33 have been amended. Claims 34-41 have been added. As a result, claims 1-41 are pending in this application.
3. Applicant's amendment filed on September 11, 2006 in response to the office action mailed on July 24, 2006 necessitates new ground(s) of rejection as presented below in this Office action.
4. The objection of specification under MPEP 608.01 has been withdrawn due to the amendment filed September 11, 2006.
5. The objection of drawing has been withdrawn due to the amendment filed September 11, 2006.
6. The objection of claim 25 has been withdrawn due to the amendment filed September 11, 2006.

7. The rejection of claims 5, 9, 12, 17, 21, 24, 26-29 under 35 U.S.C. 112, second paragraph have been withdrawn due to the amendment filed September 11, 2006.

Response to Arguments

8. Applicant's arguments filed September 11, 2006 have been fully considered but are deemed to be moot in view of the new ground(s) of rejection.

Claim Rejections – 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over SyncML Sync Protocol (Hereinafter "SyncML") in view of Pub No. 2006/0277205 to Song et al. (Hereinafter "Song").

As to **claim 1**, SyncML teaches a method, apparatus, system, and computer program product for use in synchronizing a first item data store (Page 8, Section 1.2, syncML client) with a second item data store (Page 8, Section 1.2, syncML server), wherein when storing the items in the first item data store the items are assigned to categories in a first set of categories, and similarly for the second item data store (Page 12, Section 2.3, client and server have their own categories or ID's for data items in their databases), the method comprising:

during a synchronization session, selecting or receiving for storing in the first item data store a new data item already stored in the second item data store (Pages 8-9, section 1.3, client and server synchronize data between them. In Refresh sync from server only's scenario client receives data from server's database).

However, SyncML does not explicitly teach the new data item includes or is accompanied by a category indicator indicating one of at least two categories in a branch of a hierarchy of categories.

Song teaches a COTA system that allows outlook information to populate tasks, calendar, contact, etc. into COTA hierarchy categories (page 24, paragraphs [0372 – 0373]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of SyncML and Song to provide the new data item includes a category indicator indicating one of at least two categories in a branch of a hierarchy of categories because it would simplify the process of storing and retrieving information (page 2, paragraph [0021]).

As to **claims 2**, SyncML teaches the invention substantially as claimed as discussed above; however, SyncML does not explicitly teach a method and apparatus wherein the category indicator indicates all categories in a branch of the hierarchy of categories.

Song teaches a method and apparatus wherein the category indicator indicates all categories in a branch of the hierarchy of categories.(page 24, paragraph [0372-0373]).

It would have obvious to one of ordinary skill in the art at the time the invention was made to combine the synchronization of syncML with the indicator indicating the branch hierarchy of categories as taught by Song because it would simplify the process of storing and retrieving information (page 2, paragraph [0021]).

As to **claim 3**, SyncML further teaches wherein the first item data store and the second item data store are hosted by a single device (Page 8, Section 1.3 explains synchronization using a one-way sync).

As to **claim 4**, SyncML further teaches wherein the first item data store and the second item data store are hosted by respective different devices (Page 8, Section 1.3, synchronization using a two-way sync).

As to **claim 5**, SyncML further teaches the method, apparatus, system, and computer program product wherein a synchronization agent receives or selects the new data item, and further wherein the synchronization agent assigns to the new data item a category from among the first set of categories based on the category indicator and based on a predetermined procedure (Page 12, Section 2.3, explains how the indicator or LUID of SyncML handles new data items).

As to **claim 6**, SyncML further teaches the method, apparatus, system, and computer program product wherein the synchronization agent stores the category indicator so as to be associated with the new data item without changing the category indicator (Page 12, Section 2.3 explains that the server which contains the synchronization agent knows which ID is which even though they can be the same for new items).

As to **claims 7**, SyncML and Song further teach wherein the category indicator is a string of categories beginning with a lowest-level category and leading to a top-level category, or vice versa (Song – page 4, paragraphs [0046-0047]).

As to **claim 8**, SyncML and Song further teach wherein the synchronizing agent searches the first set of categories for a category matching a category in the string of categories (SyncML - Page 8, Section 1.3 explain slow sync);

taking each category in the string of categories in turn, beginning with the lowest-level category, and provides as the assigned category the matching category in the first set of categories (Song – page 2, paragraphs [0042-0043]) .

As to **claim 9**, SyncML and Song further teach wherein the category indicator is a string of categories indicating a partial or entire branch of a harmonized category hierarchy (Song – Figs. 4, 5A and 5B; pages 2-3, paragraphs [0042-0043]).

As to **claim 10**, SyncML further teach wherein the first item data store is hosted by a device, and data indicating the harmonized category hierarchy are included as part of the device (Page 10, Section 2.2).

As to **claim 11**, SyncML further teach wherein the first item data store is hosted by a device, and the harmonized category hierarchy is stored in a data store external to the device and accessible to the device, and the device refers to the external data store from time to time so as to remain harmonized to the category hierarchy (Page 10, Section 2.2).

As to **claim 12**, SyncML and Song further teach wherein the category indicator is a string of categories indicating a partial or entire branch of an express or implied category hierarchy of categories for organizing items in the second item data store (Song – Page 3-4, paragraphs [0042-0043]).

As to **claim 25**, SyncML further teaches whereing the apparatus is selected from the group consisting of a mobile cellular phone, a personal digital assistant type of device, a laptop computing device, and a computer (Page 7, Section 1.2).

As to **claims 16 and 37**, they have similar limitations as claim 4; therefore they are rejected under the same rationale.

As to **claims 17, 27, 31 and 38**, they have similar limitations as claim 5; therefore they are rejected under the same rationale.

As to **claims 18, 28, 32 and 39**, they have similar limitations as claim 6; therefore they are rejected under the same rationale.

As to **claims 14 and 35**, they have similar limitations as claim 2; therefore they are rejected under the same rationale.

As to **claims 19 and 40**, they have similar limitations as claim 7; therefore they are rejected under the same rationale.

As to **claims 20, 29, 33 and 41**, they have similar limitations as claim 8; therefore they are rejected under the same rationale.

As to **claim 21**, it has similar limitations as claim 8; therefore, it is rejected under the same rationale.

As to **claims 13, 26, 30 and 34**, they have similar limitations as claim 1; therefore they are rejected under the same rationale.

As to **claims 15 and 36**, they have similar limitations as claim 3; therefore, they are rejected under the same rationale.

As to **claims 22 and 23**, they have similar limitations as claim 10-11; therefore, they are rejected under the same rationale.

As to **claims 24**, it has similar limitations as claim 12; therefore, it is rejected under the same rationale.

Conclusion

10. Applicant's amendment necessitated the new grounds of rejection. Accordingly, THIS ACTION IS MADE FINAL. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung K. Chau whose telephone number is 571-270-1754. The examiner can normally be reached on Mon - Friday 7:30am - 5:00pm Est, Alt Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chace can be reached on 571-272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2169

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Dung Chau
Examiner
Art Unit 2169

July 3, 2007



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